

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Terrence T. Williams,

Civ. No. 20-0439 (NEB/BRT)

Plaintiff,

v.

Brian Howard; Dave Adams; Macey
Tezmer; Durand Ackman; Mark
Anderson; Travis Pries; Madyson Erdelac;
John Mancilman; Sam Reps; Katlin Bain;
Brook Heim; Lind Pantzki; and Randi,
Martha, Jenn, Ashley, Amanda, Jamie,
and Jenn, last names known,

ORDER

Defendants.

This matter is before the Court on Plaintiff's requests for waiver of court fees and for appointment of counsel. (Doc. Nos. 39, 40.) The Court will address each request in turn.

First, Plaintiff's request for waiver of court fees is denied. In its Order dated February 6, 2020, the Court informed Plaintiff that he "must pay the unpaid balance (\$350.00) of the statutory filing fee for this action" as required by 28 U.S.C. § 1915(b)(2). (Doc. No. 3 at 1.) That statute clarifies that even where a prisoner brings a civil action *in forma pauperis*, he is still "required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account" until such a time as the full \$350.00 statutory filing fee has been paid. 28 U.S.C. § 1915(b)(2).

Accordingly, Plaintiff must still pay his filing fee in this action, regardless of the outcome, in the manner prescribed by § 1915(b)(2).

Second, Plaintiff requests appointment of counsel. However, “[a] pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case.” *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998) (citing *Wiggins v. Sargent*, 753 F.2d 663, 668 (8th Cir. 1985)); *see also In re Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986) (“The decision to appoint counsel in civil cases is committed to the discretion of the district court.”) (citing *Nelson v. Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984)). Review of the Amended Complaint (Doc. No. 8) and other filings on the record suggests this case is not significantly more complicated than other pro se prisoner litigation filed in this Court. Given this, appointment of counsel does not appear warranted at this time.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff’s Motion for Application for Waiver of Court Fees and Attorney Representation (**Doc. No. 40**) is **DENIED**; and
2. Plaintiff’s Motion for Attorney Representation (**Doc. No. 39**) is **DENIED**.

Dated: January 19, 2021

s/ Becky R. Thorson
BECKY R. THORSON
United States Magistrate Judge